

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

In re:

AMERICAN CAPITAL EQUIPMENT, LLC  
AND SKINNER ENGINE COMPANY,

Debtors.

IN CHAPTER 11

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY, *et al.*,

CASE NOS. 06-891 & 06-892

Appellants,

v.

AMERICAN CAPITAL EQUIPMENT, LLC  
and SKINNER ENGINE COMPANY,

Respondents.

AMERICAN CAPITAL EQUIPMENT, LLC  
and SKINNER ENGINE COMPANY,

CASE NO. 06-917

Appellants,

v.

HARTFORD ACCIDENT AND INDEMNITY  
COMPANY, *et al.*,

Respondents.

**ORDER**

And now, this 25<sup>th</sup> day of July, 2006, on joint motion of the parties, it is hereby ORDERED that the above-captioned cases are consolidated for briefing and case management purposes. Briefing shall proceed as follows:

- 1) Insurance Companies and Fairchild shall file and serve opening briefs in appeals 06-891 and 06-892 by July 20, 2006. These briefs shall be limited to fifty pages.
- 2) Insurance Companies and Fairchild shall file and serve, by August 4, 2006, motions to dismiss 06-917, the cross-appeal of Skinner and the Asbestos Claimants. Skinner and the Asbestos Claimants shall file and serve responsive briefs by August 11, 2006; Insurance Companies and Fairchild shall file and serve reply briefs by August 16, 2006. All briefs related to the motions to dismiss shall be limited to ten pages each.

Skinner and the Asbestos Claimants shall file and serve by August 4, 2006, motions to dismiss appeals 06-891 and 06-892. The Insurance Companies and Fairchild shall file and serve responsive briefs by August 11, 2006. Skinner and the Asbestos Claimants shall file and serve reply briefs by August 16, 2006. All briefs related to the motions to dismiss shall be limited to ten pages each.

- 3) Skinner and the Asbestos Claimants shall not be required to file and serve briefs on the merits in 06-891, 06-892, or 06-917 until the Court resolves (a) the motions to dismiss and (b) Skinner's motion for leave to bring a cross-appeal (together, the "Cross-Appeal Motions"). If this Court *either* denies the motions to dismiss of the Insurance Companies and Fairchild *or* grants Skinner and the Asbestos Claimants' motion for leave to cross-appeal, briefing shall proceed as set forth in paragraphs 4a-6a herein (the "Cross-Appeal Schedule"). If this Court *both* grants the motions to dismiss of the Insurance Companies and Fairchild *and* denies Skinner and the Asbestos Claimants' motion for leave to cross-appeal, briefing shall proceed as set forth in paragraph 4b-5b herein (the "No Cross-Appeal Schedule").

If the Court grants the motions to dismiss of Skinner and the Asbestos Claimants, the Court will enter an appropriate order dismissing all appeals.

*"The Cross-Appeal Schedule"*

- 4a) Within ten days after this Court enters orders resolving both of the Cross-Appeal Motions, but in no event earlier than August 28, 2006, Skinner and the Asbestos Claimants shall file and serve briefs that shall serve as both responsive briefs in appeals 06-891 and 06-892 and opening briefs in appeal 06-917. These briefs shall be limited to seventy-five pages.
- 5a) Insurance Companies and Fairchild shall file and serve briefs thirty days thereafter. These briefs shall serve as reply briefs in appeals 06-891 and 06-892 and responsive briefs in appeal 06-917 and shall be limited to fifty pages. If Skinner's motion for leave to appeal is granted, Travelers shall file and serve a responsive brief in appeal 06-917 on this same date. Travelers' brief shall be limited to thirty-five pages.
- 6a) Skinner and the Asbestos Claimants shall file and serve reply briefs in appeal 06-917 thirty days thereafter. These briefs shall be limited to twenty-five pages.

*"The No Cross-Appeal Schedule"*

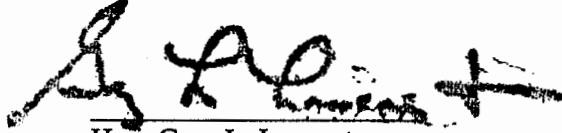
- 4b) Within ten days after this Court enters orders resolving both of the Cross-Appeal Motions, but in no event earlier than August 28, 2006, the Skinner and the Asbestos Claimants shall file and serve responsive briefs in appeals 06-891 and 06-892. These briefs shall be limited to fifty pages.
- 5b) Insurance Companies and Fairchild shall file and serve reply briefs in appeals 06-891 and 06-892 thirty days thereafter. These briefs shall be limited to twenty-five pages.

6b) [Intentionally omitted.]

7) Oral argument on these consolidated appeals

will be scheduled at the  
discretion of the Court.

BY THE COURT:



Hon. Gary L. Lancaster  
United States District Judge